

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 1, 2 and 4-23 are in the case. Claims 3 and 24-34 have been cancelled without prejudice to pursuing that subject matter in one or more separate divisional cases.

I. CLAIM OBJECTIONS

Claims 4, 6, 11 and 17 have been objected to as allegedly of improper dependent form. In particular, the Examiner alleges that claims 4, 6, 11 and 17 encompass subject matter that falls outside the scope of claim 1. This position is respectfully traversed.

In claim 1, one of R^1 and R^2 represents structural fragment Ia, while the other represents R^4 . Therefore, claims 4, 11 and 17 are clearly compatible with claim 1 when they stipulate that either R^1 or R^2 represents R^4 . Moreover, in claim 1, R^3 is an optional substituent and therefore does not need to be present. Thus, claim 6 simply defines a sub-set of the subject matter presented in claim 1 (i.e., the compounds in which an optional substituent R^3) is not present – effectively meaning R^3 is H).

Withdrawal of the claim objections is now believed to be in order. Such action is respectfully requested.

II. THE 35 U.S.C. §112, SECOND PARAGRAPH, REJECTION

Claims 1, 2 and 4-27 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. In response, parentheses have been replaced by commas where appropriate. Withdrawal of this rejection is now respectfully requested.

III. DOUBLE PATENTING

Claims 24-27 have been considered to be substantial duplicates of claim 1. In response, claims 24-27 have been cancelled without prejudice. Withdrawal of the outstanding double patenting rejection is now respectfully requested.

IV. ALLOWABLE SUBJECT MATTER

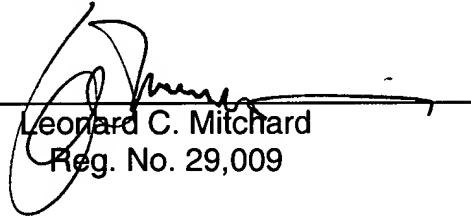
Claims 1, 2 and 4-27 have been indicated to be allowable once the formal rejections have been overcome. Based on the amendments and arguments presented in the present response, it is believed that all of the claims in this application are now in allowable condition. Early notice to that effect is respectfully requested.

Favorable action on this application is awaited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Leonard C. Mitchard
Reg. No. 29,009

LCM:lfm
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100